

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DONALD J. HENNINGFELD,

Plaintiff,

v.

DR. PHILIP TIPPEN, et al.,

Defendants.

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No. 1:21-cv-00033-SNLJ

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of plaintiff Donald J. Henningfeld for an extension of time in which to file his amended complaint. (Docket No. 9). In the motion, plaintiff states that he needs additional time to order his medical records and prepare the correct information. He also notes that he has limited access to the law library and that he is in protective custody. Plaintiff seeks an extension of ninety days.

Having reviewed the motion, the Court finds that it should be granted. However, the Court will not give plaintiff the full ninety days that he has requested. Instead, the Court will give plaintiff an additional **forty-five (45) days** from the date of this order in which to file an amended complaint in accordance with the instructions set forth in the Court's order of July 15, 2021. If plaintiff fails to comply, this action will be dismissed without prejudice and without further notice. If plaintiff needs more time beyond the forty-five days provided in this order, he must file a new motion for an extension of time which specifies what efforts he has made to comply with the Court's order, and his need for extra time.

Accordingly,


IT IS HEREBY ORDERED that plaintiff's motion for an extension of time to file his amended complaint (Docket No. 9) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall have **forty-five (45) days** from the date of this order in which to file his amended complaint, in accordance with the instructions set forth in the Court's order of July 15, 2021.

IT IS FURTHER ORDERED that if plaintiff fails to file an amended complaint within **forty-five (45) days** of the date of this order, in accordance with the instructions set forth in the Court's order of July 15, 2021, this action shall be dismissed without prejudice and without further notice.

IT IS FURTHER ORDERED that upon receipt of plaintiff's amended complaint, the Court will review it pursuant to 28 U.S.C. § 1915.

Dated this 27th day of July, 2021.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE